

September 18, 2009

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Re: *Commissioner of Labor and Industry vs. Tappe Construction Co.*
OAH Docket No. 3-1901-20661-2
OSHA Docket No. 9795

Dear Counsel:

This letter constitutes the First Prehearing Order regarding matters discussed in the telephone prehearing conference held on September 17, 2009. Mr. Evans appeared for the Department of Labor and Industry (Complainant); Mr. Peters appeared for Tappe Construction (Respondent). We set the following schedule:

- November 25, 2009: Deadline for the Respondent to disclose any expert opinions to be offered at hearing, in compliance with the requirements of Minn. R. Civ. P. 26.02(e)(1)(A).
- December 9, 2009: Deadline for the Complainant to disclose any responsive expert opinions, in compliance with the requirements of Minn. R. Civ. P. 26.02(e)(1)(A). The Complainant does not anticipate developing any expert testimony except in response to any experts the Respondent may disclose.
- January 15, 2010: Deadline for all discovery to be completed. Discovery must be noticed sufficiently in advance of this deadline so that any response is due by this date.
- February 12, 2010: Deadline for filing any dispositive motions.

- February 26, 2010: Deadline for responses to dispositive motions.
- March 5, 2010: Deadline for replies to responses.
- April 16, 2010: Deadline for the parties to exchange all exhibits they intend to offer into evidence at the hearing, along with a witness list containing a brief summary of the testimony anticipated for each witness. The parties should send a copy of the exhibit and witness lists to the ALJ.
- April 23, 2010: Hearing, to take place at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota.

Sincerely,

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge

Telephone: (651) 361-7848

cc: Docket Coordinator